

REMARKS

Claims 1-30 are pending in the subject application. Claims 1-30 stand rejected under 35 U.S.C. § 112 and are provisionally rejected for double patenting.

The Applicants appreciate the Examiner's thorough examination of the subject application and respectfully request reconsideration of the subject application based on the above amendments and the following remarks.

35 U.S.C. § 112, SECOND PARAGRAPH REJECTIONS

The Examiner has rejected claims 1-30 under 35 USC 112, second paragraph. The Examiner asserts that, essential elements, e.g., reflective and/or a heat insulating layers, have been omitted and, thus, the claims are incomplete. The Applicants respectfully traverse this rejection.

The Examiner assumes that because the illustrated embodiments of the optical recording media include reflective and/or a heat insulating layers, such layers are essential. On the contrary, according to the invention as claimed, the heat insulating layer provides a more efficient rise in temperature of the temperature responsive layer. See, e.g., Specification page 29, line 24. Additionally, the reflective layer is provided to enhance efficiency in reflection of light passing through the temperature responsive layer and the light absorption layer. See, e.g., Id., page 30, line 18. These are non-essential elements of the invention as claimed.

Therefore, it is respectfully submitted that, claims 1-30 are allowable. Moreover, it is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

PROVISIONAL DOUBLE PATENTING REJECTIONS

The Examiner has provisionally rejected claims 1-30 for obvious-type double patenting. The Applicants respectfully traverse these rejections for reasons detailed below. Notwithstanding this traverse, the Applicants provide a terminal disclaimer.

Claim 5 of pending U.S. application number 10/824,926 ("Tajima") appears to depend from claim 2, which refers to a "functional layer", instead of claim 1, which does not provide an antecedent basis for the "functional layer" recited in claim 5. Assuming that this is correct, claim 1 recites an optical data recording medium comprising a substrate and a "reproducing layer for reproduction of a signal from a mark having a mark length shorter than a resolution limit of an optical system of a reproducing apparatus." Claim 2 recites that that optical data recording medium further comprises a "functional layer", which claim 5 provides is a "light absorption layer". Notwithstanding that the present claims do not include "a mark having a mark length shorter than a resolution limit of an optical system of a reproducing apparatus", the invention as claimed further recites that the optical data recording medium also comprises at least one of a reflection layer and a heat insulating layer. Neither structure is include in claim 5. Claim 6 recites that the functional layer is a "reflective layer"; however, it does not include the "light absorption layer" of the present invention.

Likewise, claims 10-12 fail to recite the combination of the temperature responsive layer, the light absorption layer, and at least one of a reflection layer and a heat insulating layer. Accordingly, the present claims are differentiable over those in the Tajima application.

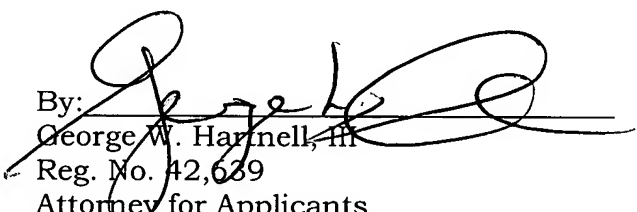
Claims 7-19 of pending U.S. application number 10/862,187 ("Mori") depend from independent claim 1. Claim 1 recites an optical information recording medium that comprises a thin film section, whose reflectance changes in "accordance with a change of optical multiple interference", that is "made up of at least one thin film" that includes "a

single optical interference film", whose reflective index changes with light intensity "thereby triggering the optical multiple interference in the thin film section". The present claims do not address determining the thickness and composition of the "optical multiple interference film" to cause wavelength distributions of reflectance to be within 80 nm of the wavelength of the incident light. The same is true Mori claims 37 and 38. As such the present claims are differentiable from claims 7-19.

The Applicants believe that no additional fee is required for consideration of the within Response. However, if for any reason the fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

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